



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: L. RICHARD MARTIN, JR.
Virginia Department of Social Services

FROM: ALLEN T. WILSON
Assistant Attorney General

DATE: April 8, 2003

SUBJECT: Periodic Review of 22 VAC 40-141-10 et seq.
Licensing Standards for Independent Foster Homes

I have reviewed the proposed amendments to the above-referenced regulation to determine if the State Board of Social Services ("State Board") has the statutory authority to promulgate the proposed regulation and if the proposed regulation comports with applicable state law.

Virginia Code § 63.2-1732 mandates that the State Board promulgate regulations "for the activities, services and facilities to be employed by" licensed independent foster homes. It appears that the State Board has the authority to promulgate the proposed amendments to the regulation, subject to compliance with the provisions of Article 2 of the Administrative Process Act and Executive Order 21 (2002), and has not exceeded that authority.

If you have any questions, please feel free to call me at 786-3890.